

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BILLY JOVAN SAIZ,

Petitioner,

v.

BRIAN E. WILLIAMS, SR.,

Respondents.

Case No. 2:23-cv-01228-ART-BNW

ORDER

Pro se Petitioner Billy Jovan Saiz submitted a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 on or about August 4, 2023. (ECF No. 1-1 (“Petition”).) Following several orders regarding *in forma pauperis* issues, this court conducted an initial review of the Petition on December 20, 2023. (ECF No. 13.) In that order, this court found that a response was warranted and *sua sponte* raised the issue of counsel. (*Id.*) Regarding the latter issue, this court gave Saiz 30 days to file a motion for the appointment of counsel if he desired counsel to be appointed to represent him. (*Id.*) On January 9, 2024, Saiz timely moved for the appointment of counsel. (ECF No. 15.) This court grants the motion for the reasons discussed in its December 20, 2023, order.

It is therefore ordered that the motion for appointment of counsel (ECF No. 15) is granted.

It is further ordered that clerk send (1) a copy of this order to Saiz, (2) a copy of this order to the CJA Coordinator for this division, and (3) a copy of this order, the Petition (ECF No. 14), and this court’s previous order (ECF No. 13) to the Federal Public Defender.

It is further ordered that the Federal Public Defender is provisionally appointed as counsel and will have 30 days to (1) undertake direct representation of Saiz by filing a notice of appearance or (2) indicate the office’s inability to represent Saiz in these proceedings. If the Federal Public Defender is unable to represent Saiz, the court will appoint alternate counsel. Appointed counsel will

1 represent Saiz in all federal proceedings related to this matter, including any
2 appeals or certiorari proceedings, unless allowed to withdraw. A deadline for the
3 filing of an amended petition and/or seeking other relief will be set after counsel
4 has entered an appearance. The court anticipates a deadline of approximately 90
5 days from entry of the formal order of appointment.

6 It is further ordered that any deadline established and/or any extension
7 thereof will not signify any implied finding of a basis for tolling during the time
8 period established. Saiz remains responsible for calculating the running of the
9 federal limitation period and timely presenting claims. That is, by setting a
10 deadline to amend the petition and/or by granting any extension thereof, the
11 court makes no finding or representation that the petition, any amendments
12 thereto, and/or any claims contained therein are not subject to dismissal as
13 untimely. *See Sossa v. Diaz*, 729 F.3d 1225, 1235 (9th Cir. 2013).

14 Dated this 17th day of January 2024.

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18 ANNE R. TRAUM
19 UNITED STATES DISTRICT JUDGE
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